

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES
June 19, 2007

Wednesday, June 19, 2007

7:30 PM.

Auditorium
Town Hall

Commission Members Present: Peter Hillman, Reese Hutchison, Craig Flaherty, Ned Lewis, Ellen Kirby and Susan Cameron

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Chairman Hillman read the first agenda item.

EPC-21-2007 Katherine Kidder, 43 Blueberry Lane proposing wetland restoration plantings to correct a violation.

The Commission discussed the draft resolution and made revisions.

Ms. Cameron said she was opposed to the resolution because it did not include restoring the entire wetland.

Mr. Hillman made a motion to approve the application. Mr. Hutchison seconded the motion and it passed 4-2. Mr. Hillman, Mr. Hutchison, Mr. Lewis, and Ellen Kirby were in favor. Ms. Cameron and Mr. Flaherty were opposed.

It was the unanimous consensus of the Commission to seek the advice of Town Counsel on proceeding against the Reads.

Mr. Hillman read the next agenda item:

EPC-34-2007, Alex Jackson, 19 Circle Road, proposing a fence within an upland review area

Mr. Jackson represented himself. He said they are proposing a split rail fence to prevent children from going into the pond. He would like to extend the fence along the stone wall.

Ms. Cameron said the pond looked like it is in need of dredging.

Mr. Flaherty asked if the area between the fence and the pond would be maintained. Mr. Jackson said yes.

Mr. Hutchison made a motion to approve the application. Mr. Hillman seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JUNE 19, 2007
PAGE 2

EPC 41-2007, Rocco N. D'Angelo, 8 Partridge Lane, proposing pool replacement, patio construction, and restoration of an upland review area after the fact.

Mr. D'Angelo and Bruno Iacono of Signature Pools represented the applicant.

Mr. Flaherty asked if they could eliminate the six inch drain to the wetland. Mr. Iacono said yes. Ms. Cameron said she is concerned with the slope. It will be a two to one slope.

Mr. Flaherty said they should eliminate the large pine trees and provide shrub cover instead. He said there should be a drainage feature for the runoff. Mr. Iacono asked if an infiltrator would be acceptable. Mr. Flaherty said it would be acceptable, but he would prefer above ground storage.

Mr. Flaherty made a motion to approve the application with the stipulations that: the 6" roof drain pipe will be removed; the white pines will be replaced with smaller shrubs; and staff will approve the re-grading before the planting is installed. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

8 Contentment Island Road, Wilder G. Gleason, Esquire, requesting permission to remove and replace dead trees and provide additional plantings in a Conservation Easement.

Mr. Hutchison recused himself for this item.

Attorney Wilder Gleason represented the applicant. He said he had a site meeting with Ms. Cameron and Mr. Jacobson.

Ms. Cameron provided the Commission with a report and recommendations. She made a motion to approve the request with conditions. Mr. Hillman seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-35-2004, Kristin Nemec, 60 Inwood Road, requesting bond release.

Mr. Jacobson reported that the work was completed.

Mr. Hillman made a motion to approve the bond release. Mr. Flaherty seconded the motion and it passed unanimously.

EPC-5-2004, Peter and Patricia Daigle, 5 Royle Road, requesting bond release.

The Commission tabled this request to allow for the second full growing season.

Public Hearing:

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JUNE 19, 2007
PAGE 3

Mr. Hillman read the first hearing item:

EPC-26-2007 James and Karen Reilly, 41 Nearwater Lane, proposing demolition of a house within the upland review area and grading and landscaping associated with new house construction.

Mr. Reilly represented himself. He said they were removing the existing house and constructing the new house more than 100 feet away from the wetland. He said they would provide rain gardens for the roof runoff.

Ms. Cameron noted that the removal of the house from the upland review area and restoring the area to a natural condition was a positive impact.

Mr. Hillman asked if anyone from the public wished to comment. No one from the public asked to speak.

Ms. Cameron made a motion to close the public hearing. Mr. Hutchison seconded the motion and it passed unanimously.

The Commission proceeded to deliberate on the application.

Mr. Hillman said there was nothing not to like about the application.

Ms. Cameron said she agreed that moving the house was beneficial.

Mr. Flaherty said the removal of impervious surfaces, the restoration of the regulated area, and the addition of rain gardens were all positive things.

The Commission requested staff prepare a resolution of approval.

Mr. Hillman read the next hearing item:

EPC-28-2007 John and Mary Keane, 22 Hamilton Lane, proposing demolition of a house and construction of new residence within the upland review area.

Mrs. Keane represented herself.

Mr. Hillman said the report from Environmental Land Solutions provided the information requested by the Commission regarding the rain garden.

Ms. Cameron asked how the wetland will be planted.

Matt Popp, of Environmental Land Solutions, said the plans show three small rain gardens outside the wetland. The rain gardens will collect all of the roof runoff and a small portion of the driveway.

Mr. Hutchison asked what the flooding conditions are on the property.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JUNE 19, 2007
PAGE 4

Ms. Keane said water flows through the pipes on her property but the main flooding is at the intersection of Inwood and Hamilton.

Mr. Hillman asked if there was any member of the public who wished to comment on the application. Seeing none he made a motion to close the public hearing. Mr. Hutchison seconded the motion and it passed unanimously.

Mr. Hillman read the next hearing item:

EPC-29-2007 Woodway Country Club, 540 Hoyt Street, proposing golf course improvements within an upland review area.

Mr. Hillman and Mr. Flaherty were recused on this application.

Ms. Cameron acted as Chairman.

Brian McMahon, P.E. of Redniss and Mead represented the applicant. He said the application is part of improvements to the entire golf course. He said there will be no more than two holes under construction at any one time. He said the additional information about the stormwater enhancements was provided. They re-introduced a second bay for the water quality basin. He said they met with one of two neighbors to explain their attempts to improve flooding.

Don Ferlow of Stearns and Wheler said there are trade offs to creating the sediment basin within the wetland. He said it will be restored to grass land habitat.

Ms. Cameron asked if anyone from the public wished to speak. Seeing no one Mr. Hutchison made a motion to close the public hearing. Mr. Lewis seconded the motion and it passed unanimously.

The Commission proceeded to deliberate on the application.

Mr. Hutchison said the applicant was helping the watershed by providing small gains in terms of flood storage.

The Commission directed staff to draft a resolution of approval.

Mr. Hillman read the next hearing item:

EPC-24-2007, Hoyt Street Partners, LLC, 285, 289 & 293 Hoyt Street, proposing condominium construction and related site development within an upland review area.

Karl Frey and Attorney Bruce Hill represented the applicant. Mr. Frey introduced Justin Mandelbaum and Molly Masdon and Don Ferlow of Stearns and Wheler as part of the design team.

Mr. Frey said the project was seven years in the making. He said they let the Town pursue purchasing the land and then stepped back in when the Town decided not to purchase. He introduced the project and provided background information on the developer.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JUNE 19, 2007
PAGE 5

Mr. Ferlow presented the environmental report for the project. He said the soils were mapped for the Town by Soil Science Services. He said their report is included in the environmental assessment. He described the existing site conditions as stable but disturbed. He provided an overview of the existing drainage conditions and water flow on the site and the existing vegetation. He then described the proposed planting plan.

Mr. Ferlow identified three direct impacts to the regulated area as the cleaning up of the pond, the removal of debris by low impact method, and the construction of a trail into the wetland. He described the alternative design of four of the units to reduce impact to a neighbor and said it will make no difference in the wetland impacts. He described the proposed work within the upland review area and the proposed water flows from the site.

Mr. Lewis asked if there was an assessment done for environmental contaminants. Mr. Hill said the Town had an assessment done.

Mr. Hillman asked if the pond used for machine cleaning contained contaminants. Mr. Hutchison asked if a Phase II study would be required. Mr. Frey said there were no contaminants which warranted a Phase II study and all of the Phase I items would be addressed.

Mr. Hutchison asked if they have reached an agreement with the neighbors on Wakemore Street regarding flooding improvements. Mr. Fey said the system will be replaced as necessary and they will have agreements or easements with the residents. He said the maintenance of the system will be by the condominium homeowners association.

Mr. Hillman asked about the nature of the conservation easement. Mr. Ferlow said they will provide more specific information on the trail system in the easement area.

Ms. Cameron asked about the life of the infiltrators. Mr. Ferlow said the life span is not short because they are made of high density materials. He said he will find out. Ms. Cameron asked that a maintenance plan for the biofilters be made a part of the condominium documents.

Patricia Leger of 10 Spring Grove spoke about existing flooding concerns on Camp Avenue.

Attorney Kathy Pasternak, representing Mr. Neafsey of 28 Scofield Farms Road said that tonight was the first opportunity for them to see the plan showing the buildings turned to the side. She said they were concerned about any potential impacts to the Neafsey's pond. She asked if the work within the regulated area was necessary. Is there an alternative which would keep work outside of the regulated area.

Mr. Ferlow addressed the issue of the pond. He said it was built as a fire pond and submitted a Soil Conservation Service photo showing a watercourse but no pond in the 1970's. He said the USGS map did not show a pond in 1984.

Mr. Gilgen of 24 Wakemore Road asked the applicant to assess the O'Neal stream. The Commission asked for a detailed map and photos to be prepared with the applicant's help showing the areas of concern.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JUNE 19, 2007
PAGE 6

Mr. Starovolotov of 22 Wakemore Road said the plan may not fix the problem by just connecting the pipes.

Jill Colucci of 21 Wakemore Road said she would also like to see the water problems addressed.

Mr. Eilertsen of 24 Wakemore Road also wished to address the flooding problems on Wakemore Road.

The Commission continued the public hearing to July 11 at 8:30 p.m.

There being no further business Mr. Lewis made a motion was adjourn. Ms. Cameron seconded the motion and the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer